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Chairman: Mr. Belinga-Eboutou ..... (Cameroon)

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The meeting was called to order at 10.15 a.m.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/58/118 and Corr.1, 121, 181 and Add. 1, 185, Adds. 1 and 2, 186, 212, 255, 257, 261, 266, 268, 275, 276 and Add. 1, 279, 296, 309, 317, 318, 330, 380 and 533)

(c) Human rights situations and reports of special rapporteurs and representatives (A/58/127, 218, 219, 325, 334, 338, 379, 393, 421, 427, 448 and 534)

(e) Report of the United Nations High Commissioner for Human Rights (A/58/36)

1. **Mr. Ramcharan** (Acting High Commissioner for Human Rights) said that he wished to take advantage of the occasion to honour the late High Commissioner, Sergio Vieira de Mello and his memory, because, had it not been for a terrorist act, it would have been Mr. Vieira de Mello presenting the report.

2. The report of the United Nations High Commissioner for Human Rights (A/58/36) told the story of human rights in the service of humanity and of practical efforts to work with Governments, non-governmental organizations and civil society, a process that could be described as a participative approach to the realization and protection of human rights. Moreover, when the report referred to human rights, in addition to civil and political rights, economic, social and cultural rights and also the right to development were included.

3. The report opened with a chapter on human rights and international cooperation, because the human rights programme was becoming increasingly aware that three principles must influence the pursuit of international cooperation for the universal realization of human rights, as called for in the Charter of the United Nations: respect in dialogue, confidence and capacity-building in methods and protection, and empowerment of those whose rights were being grievously violated. It then examined the close connection between human rights and peace that was underscored in the Universal Declaration of Human Rights. The promotion of human rights education was the promotion of peace, and United Nations institutions, such as the Centre for Human Rights and Democracy for Central Africa, in Yaoundé, were pioneering new approaches to promoting peace through human rights.

4. Another chapter of the report dealt with human rights and conflict. A society that sought to realize human rights under democracy and the rule of law had better possibilities of preventing internal conflicts. Likewise, human rights played an important role in conflict-prevention strategies in pluralist societies and institutions were needed to detect and avert grievances and to promote tolerance, participation and accountability. Human rights were closely interrelated with development and a crucial intersecting element was the use of human rights approaches to the eradication of extreme poverty, which was a major challenge to the human rights movement and to the world's leaders in general.

5. In a recent publication offering guidelines on a human rights approach to poverty reduction strategies, his Office had proposed that policies and institutions for poverty reduction should be based explicitly on the norms and values set out in international human rights law. Underpinned by universally recognized moral values and reinforced by legal obligations, international human rights law provided a compelling normative framework for the formulation of national and international policies, including poverty reduction strategies.

6. The United Nations had established that there had been a consistent pattern of gross violations of economic and social rights. A recent UNESCO publication pointed out that while a great deal was known about what caused poverty and the possible strategies for combating it, erroneous choices were continuously made about how to use the resources necessary to eliminate poverty. Accordingly, there should be accountability for erroneous choices. The report also dealt with his Office's efforts to raise voluntary contributions and to make technical expertise available to support peoples in their quest for truth, reconciliation and justice in situations where there had been massive and flagrant violations of human rights, because countries emerging from such ordeals might lack the resources or the know-how to set about healing the victims, fighting impunity and restoring the rule of law.

7. Human rights responses were needed to the challenges resulting from developments in biotechnology, such as the deciphering of the human genetic code, and particularly with regard to the application of new discoveries to human beings. The report emphasized the need for a cooperative approach to working with Governments, non-governmental organizations and civil society towards strengthening national capacity for the promotion and protection of human rights. It should be recalled that the United Nations Millennium Declaration considered that the values of freedom, equality, solidarity, tolerance, respect for nature and shared responsibility were essential to international relations.

8. When the General Assembly had established the position of the United Nations High Commissioner for Human Rights 10 years previously, it had entrusted the occupant with the mandate of promoting and protecting all human rights for all persons. The Millennium Declaration reaffirmed a universal consensus on human rights issues, and everyone had the responsibility to uphold and implement that consensus. He appreciated the Committee's willingness to ensure that those core functions of the United Nations were funded from the regular budget and assured the Committee that his Office was ready to play its part.

9. **Mr. Vigny** (Switzerland) said that Switzerland supported the efforts to establish peace agreements governed by international human rights law and international humanitarian law described in chapter VI of the report and encouraged the Office of the High Commissioner for Human Rights (OHCHR) to continue integrating human rights into the formulation of prevention strategies, including early warning. The special rapporteurs had a crucial role to play with regard to early warning and preventive action, and it would be useful to know how the new information and communication technologies could be used to enhance their activities in those areas and whether that task could be entrusted to the new Special Procedures Branch.

10. A digest of jurisprudence on basic principles of human rights applicable in counter-terrorism policies had been prepared. Switzerland hoped that it would be widely disseminated to States, regional and international organizations and non-governmental organizations, regularly updated and translated from English into the other five languages of the United Nations. The report mentioned that the private sector could be an important vehicle for the promotion of human rights through its impact on the behaviour of workers, suppliers, consumers and the communities in which it operated. On the question of the State's responsibility to ensure that the private sector respected human rights, it would be useful to know whether bilateral agreements on investments and other trade agreements had a specific impact on the situation of human rights and whether such agreements could be used to promote and protect human rights.

11. **Mr. Wenaweser** (Liechtenstein) said that the Acting High Commissioner had pointed out that his post had been established in 1993. The Vienna Declaration and Programme of Action had also been adopted that year, and one of its major achievements had been the recognition of the relationship between democracy, development and human rights. It would be useful to have the Acting High Commissioner's assessment of what had been achieved after 10 years and to know whether he considered that the interrelationship was sufficiently recognized throughout the United Nations system today and whether human rights had been satisfactorily mainstreamed.

12. General Assembly resolution 57/219 on protection of human rights and fundamental freedoms while countering terrorism and Commission on Human Rights resolution 2002/35 on human rights and terrorism were extremely important steps in the promotion and protection of human rights. He would welcome the comments of the Acting High Commissioner on how that issue should be treated in the future. The International Criminal Court was not a human rights court, but it had a strong and direct bearing on human rights. All sectors of the Secretariat for which the work of the Court had relevance should be involved in matters relating to the Court, and it would be useful to know how the Acting High Commissioner saw the role of his Office in that respect.

13. **Ms. Borzi Cornacchia** (Italy) said that the report of the Secretary-General on strengthening of the United Nations: an agenda for further change (A/57/387) had called for the High Commissioner for Human Rights to develop and implement a plan, in cooperation with the United Nations Development Group and the Executive Committee for Humanitarian Affairs, to strengthen human rights-related United Nations actions at the country level. The European Union would like to

underline its support for improving the integration of human rights into the country-level programmes and activities of the United Nations and would be interested in learning more about how the Acting High Commissioner was implementing the recommendation.

14. The report also mentioned that the High Commissioner should develop a plan to strengthen management, taking into account the recommendations emerging from the management review conducted by the Office of Internal Oversight Services. Some changes had been made following that recommendation, including the creation of a Special Procedures Branch and an External Relations Branch. She would welcome clarification of the tasks of the Special Procedures Branch and asked whether the External Relations Branch was operational.

15. **Mr. Ramcharan** (Acting High Commissioner for Human Rights), responding to the questions posed by Switzerland, said that his Office was trying to enhance its capacity to use the new information and communication technologies in support of all its activities. It was also using them to gather and disseminate information on the special procedures, and to collect and distribute information from the special rapporteurs as rapidly as possible, particularly for the monthly briefings of the President of the Security Council and when the special rapporteurs briefed the Security Council informally. The area was being funded from voluntary contributions, and he would continue to seek additional voluntary funding in order to strengthen the information technology capacity. With regard to human rights and the private sector, OHCHR was trying to raise the private sector's awareness of the importance of human rights norms in the workplace, and he hoped that business agreements would not violate human rights. He also considered that the private sector could play a promotional role in the dissemination of human rights information and the strengthening of national capacities.

16. In response to the representative of Liechtenstein, he said that there was a growing recognition of the interrelationship between democracy, development and respect for human rights because the deliberations and resolutions of the Commission on Human Rights were increasingly making an explicit link between those issues. The Commission had asked his Office to organize expert seminars on democracy and good governance, and its resolutions now emphasized the importance of the rule of law. Nevertheless, in an environment of accelerating poverty, it was harder to attain those ideals. Therefore, economic, social and cultural rights and civil and political rights were also present in that interrelationship.

17. The Office's budget was currently around $22 million from the regular budget of the United Nations, and almost double that in voluntary funding. The main expenses related to field offices in conflict situations and capacity-building at the request of Member States. He was always seeking additional funding from the regular budget and increased voluntary contributions and he appealed to Member States to support the adoption of the Secretary-General's budget proposals for the human rights programme. Regarding his vision of how the issue of counter-terrorism and human rights should be treated in the future, OHCHR had just published a digest of jurisprudence of basic principles of human rights applicable in counter-terrorism policies, which was an important point of reference for striking the balance between security and freedom. His Office intended to prepare a compendium of good practice in that area. Furthermore, the General Assembly, the Commission on Human Rights and the treaty bodies were calling on OHCHR to support relevant activities. His vision was one of pragmatic action in support of that balance and support for the activities of the human rights organs.

18. His Office had a declared policy of working with the International Criminal Court, and there was fruitful and pragmatic cooperation between the two bodies. The Prosecutor had visited his Office for discussions on general and specific collaboration and, while OHCHR had not had direct contact with members of the court, it knew them well and would offer them full collaboration. In reply to the representative of Italy's question on the follow-up to the Secretary-General's report on strengthening of the United Nations (A/57/387), he pointed out that his Office had worked closely with its partners in the United Nations and had an action plan that had been endorsed by the United Nations Development Group and the Executive Committee for Humanitarian Affairs. The plan proposed the implementation, in collaboration with United Nations partners, of national capacity-building projects submitted by Member States. Its underlying strategy was to build the capacity of United Nations country teams, under the leadership of the United Nations resident or humanitarian coordinators. Training, assessment of needs, sharing of information

and cooperative programming arrangements were foreseen.

19. The review by the Office of Internal Oversight Services had stressed the importance of providing enhanced support to the United Nations special procedures. To that end, the Special Procedures Branch had been established and was working well to further professionalize the required support. Lastly, the External Relations Branch was already operational. It had three components: communication, fund-raising and cooperation with non-governmental organizations and civil society. All were functioning well, mainly from voluntary contributions. Again, he appealed for additional support for the two new branches.

20. **Mr. Andrabi** (Pakistan) asked whether, in conflict situations where it was too dangerous for human rights monitors to remain in place, United Nations peacekeepers might not be used to monitor the human rights situation, so that treaty bodies and special rapporteurs would have the information they needed for their work.

21. **Mr. Koubaa** (Tunisia) welcomed the emphasis put by OHCHR on the linkages between human rights and the right to development and between human rights and poverty reduction, but expressed concern at the limited progress made by the mechanisms dealing with the right to development.

22. **Mr. Ramcharan** (Acting High Commissioner for Human Rights), replying to the question from the representative of Pakistan, said that there had been a distinct shift in the culture of the United Nations in the past decade with regard to the monitoring of human rights in conflict situations. Its representatives on the ground, including peacekeepers, increasingly provided the Secretary-General with information on the human rights situation, and the Office regularly drew on such information, for example in its reports to the Security Council. Peacekeeping operations increasingly had a human rights component built into them, and the interaction between peacekeepers and OHCHR was closer than ever.

23. In reply to the concern expressed by the representative of Tunisia, he said that the current debate within the United Nations on the right to development encompassed a range of views: it had been variously suggested that respect for human rights would in itself advance the implementation of the right to development, that human rights must be integrated into development strategies, that the source of the problem was an unfair international economic system biased against the developing countries and that developing countries should be compensated for the wrongs of the past. All those ideas were currently under discussion, and he hoped that progress in the debate would eventually lead to improvements in the lives of people in developing countries.

24. **Ms. Fusano** (Japan) said that she would like to know how the Acting High Commissioner viewed the role of OHCHR in promoting good governance, which was vital if the erroneous choices in the use of resources that he had mentioned were to be avoided. She would also like to know how he viewed reform of the treaty bodies, given that an increasing number of States felt overwhelmed by the extensive reporting requirements.

25. **Mr. Amorós Núñez** (Cuba) said that he shared the concern expressed by the representative of Tunisia about the implementation of the right to development. He asked what OHCHR was doing to provide support in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001.

26. **Mr. Osmane** (Algeria), referring to paragraph 70 of the report of the United Nations High Commissioner for Human Rights (A/58/36), said that the report seemed to gloss over the legal aspects of the impact of terrorism on the observance of fundamental human rights.

27. **Mr. Ramcharan** (Acting High Commissioner for Human Rights), in response to the questions raised by the representative of Japan, said that OHCHR had organized, at the request of the Commission on Human Rights, a number of seminars on good governance. The concept of "national protection systems", the establishment or enhancement of which was seen as one of the principal objectives of the Organization in the report of the Secretary-General on strengthening the United Nations (A/57/387), was central to the promotion of good governance. Any State was well on the way to achieving good governance if its national protection system ensured that its laws were in conformity with international human rights norms, its courts were able to invoke those norms, it had established a specialized human rights institution, it provided human rights education and it had arrangements in place to deal with human rights

grievances. As far as the reform of treaty bodies was concerned, he believed that it was important to be responsive to the needs of States parties and to encourage the treaty bodies to share information. Guidelines on preparing a new, extended core document, which would save States parties from having to repeat the same information in their reports to different treaty bodies, were at an advanced stage of preparation, but, in the final analysis, it was for the States parties themselves to reform the procedures of each treaty body as they saw fit.

28. In reply to the question by the representative of Cuba, he stressed that combating racism was one of the Office's highest priorities, but its Anti-Discrimination Unit had faced a number of problems since its establishment, such as delays in the provision of resources from the regular budget, forcing it to rely on voluntary contributions to begin its work, which included organizing seminars in various parts of the world. There had also been delays in recruiting staff for the Unit, but he reassured the Committee that everything possible was being done to speed up the processing of the long list of candidates in accordance with United Nations procedures and to ensure that the staffing of the unit properly reflected the principles it defended. Lastly, in reply to the comment by the representative of Algeria, he said that, while the paragraph concerned could perhaps have been more detailed, it had had to be worded carefully in the light of the ongoing debate within the Commission on Human Rights on whether terrorists should be viewed primarily as violators of human rights or as criminals.

29. **The Chairman** invited the Committee to begin its general discussion of agenda item 117.

30. **Ms. Al-Hajjaji** (Libyan Arab Jamahiriya), speaking in her capacity as Chairperson of the fifty-ninth session of the Commission on Human Rights, paid tribute to Mr. Sergio Vieira de Mello for his constructive and consensus-building approach to his work as United Nations High Commissioner for Human Rights. His death in Iraq had been a terrible blow to the Commission on Human Rights and to the cause of human rights in general. The conflict in Iraq had actually coincided with the opening of the fifty-ninth session of the Commission and, although the Commission had decided not to hold a special sitting on the conflict, some debate on the issue had taken place during consideration of the human rights situation on Iraq.

31. The session had operated under severe time constraints, as no additional meetings had been authorized by the Fifth Committee, and that factor had inevitably affected not only the speaking time available to members and observers but also the quality of the debate. On the positive side, a number of innovations had been introduced in the Commission's working methods, including a high-level segment, the production of fewer pages of documentation, despite a higher number of documents, and the provision of a compilation of the executive summaries of special rapporteurs and independent experts.

32. Among the most notable outcomes of the session had been the decision to set up a new working group to consider a possible optional protocol to the International Covenant on Economic, Social and Cultural Rights. Meanwhile, the mandate of the open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights had been ended. Three new country situations had been considered in specific resolutions, although no new mandates had been established, and the mandate on the human rights situation on the Sudan had been terminated. In addition, country situations had begun to be considered under the agenda item dealing with technical assistance, rather than under the one dealing with violations of human rights. The Commission had endorsed a number of important decisions taken by the Subcommission on the Promotion and Protection of Human Rights, including decisions to convene the Social Forum on an annual basis and to undertake studies on human rights and small arms and on discrimination in criminal justice systems.

33. The Commission's annual session was complemented by a growing amount of intersessional work, with which the Commission was well equipped to deal thanks to the mechanism of the Expanded Bureau, in which the five regional group coordinators worked with the five members of the Bureau. The Expanded Bureau met regularly during the year and held consultations with all those involved in the work of the Commission, including special rapporteurs, the chairpersons of treaty bodies and non-governmental organizations. It assisted the Chairperson of the Commission in the appointment of special procedures mandate-holders and facilitated the work of the Commission's working groups.

34. However, despite all its efforts to enhance its effectiveness — introducing the high-level segment and establishing the Expanded Bureau, limiting the duration of special procedures and involving human rights institutions in its work — the Commission was the subject of a considerable amount of criticism, and there remained a perception that it could be more efficient and effective in fulfilling its mandate. The Bureau was therefore holding consultations with a view to consolidating its gains and identifying new initiatives: the consultations covered matters such as the level of politicization of the Commission, the length and periodicity of its resolutions, its agenda, the role of non-governmental organizations and special procedures, the use of its limited resources and the whole question of its country-specific work. She hoped to be able to present the results of the Expanded Bureau's deliberations on those matters at the next session of the Commission.

35. **Mr. Maalouf** (United States of America) said that, as a Lebanese living in the United States for 24 years, he was honoured to speak for his country on human rights issues. Democratic States that protected human rights were best able to secure peace, promote economic development, combat international terrorism and crime, avoid humanitarian crises and improve the global environment. By guaranteeing political and economic freedom they would unleash their people's potential and ensure their prosperity. Democratic and economic processes were the best foundations for domestic stability and international order. Countries, like his own, that incorporated the core principles of the rule of law, government accountability, freedom of speech and religion, equal justice, respect for women and private property, and religious and ethnic tolerance into their systems of governance had flourished as a result. While respecting other nations' traditions and values, his country advanced the principles of democracy and human rights to which all people aspired.

36. The United States supported democracy worldwide and helped newly formed democracies implement democratic principles, which promoted individual rights and freedoms and enabled everyone to share the benefits of a globalized world. Democratic nations were more likely to deter aggression, create and expand open markets. The promotion of democracy was an essential component of global stability, prosperity and security. Human rights training and support had strengthened civil society in Chile, Peru and Argentina and had led to healthy dialogue on past abuses and to willingness to seek national reconciliation. Great strides had been made that year in the Middle East; Bahrain, with its peaceful implementation of the liberalization programme that was its National Action Charter and, together with Qatar, Jordan and Morocco, had elevated women to the Cabinet and city councils in local and national elections. Morocco had introduced historic legislation in family law, revolutionizing the rights of women and children and underscoring that Islam did not clash with women's aspirations.

37. However, the Syrian Arab Republic, whose dictator, like that of Iraq, had made false promises of liberalization, still had a dismal human rights record, while Belarus's systematic denial of basic civil and political rights had isolated it from Europe and the international community. Only a few months previously the Cuban dictatorship had committed one of its most egregious acts of repression with its arrest, summary trial and incarceration of over 100 political and labour activists and professionals for the alleged "crime" of publishing newspapers, organizing petition drives and meeting to discuss their country's future. Reports painted a shocking picture of brutality and injustice in the People's Democratic Republic of Korea, one of the world's most repressive regimes, which trampled on individual rights and freedoms and used almost unparalleled repression and surveillance to intimidate and control, while an extensive and horrible prison-camp system received transgressors. With a food shortage caused partly by a closed system of governance, politically favoured groups and the military enjoyed discriminatory access to food, posing a threat to regional stability.

38. The military junta in Myanmar still ignored the international community's call for a return to democracy. He urged the immediate and unconditional release of Aung San Suu Kyi and all like her, and the reopening of the offices of the National League for Democracy and enjoined the Government to end its brutal campaigns of abuse of civilians in ethnic regions. Also of grave concern was the recent deterioration of the human rights situation in the Islamic Republic of Iran, where the clerical regime used intimidation, violence and imprisonment to stifle public debate and dissent, and the Council of

Guardians' power to vet candidates inhibited the people's assertion of their democratic will.

39. Stable and secure political environments in which citizens were protected from unjust or capricious Government actions could be built only on a strong tradition of the rule of law, failing which there were neither legal frameworks for a vibrant civil society, sustainable economic development, adequate checks on executive and legislative power nor the legal foundations for free and fair electoral and political processes. Serious deficiencies in the rule of law created a climate conducive to crime and human rights abuse, while corruption undermined the legitimacy of government, alienated citizens, deterred investors and threatened stability. Even so, respect for the rule of law had continued to take root in many regions of the world, such as the Balkans, where progress had been evident in the presidential elections in Serbia and Montenegro and where the transfer of electoral responsibility from the Organization for Security and Cooperation in Europe to local officials had begun. The Kenyans, with their long and turbulent road to democracy, had in 2000 held historic elections widely deemed to have been free and fair, electing President Kibaki, whose efforts to reform the Government and fight corruption and poverty augured well for the future.

40. The Turkmen President's use of the resources from his country's massive gas reserves for his personal consumption and grandiose monuments denied his people the benefits of their natural environment, with 35 per cent of them living below the poverty line. The country's inhospitable political, economical and legal environment and its unwillingness to reform deterred foreign investors and development banks, and its laws restricting civil society and religious freedom were at variance with international agreements and standards.

41. The new transitional Government in the Democratic Republic of the Congo faced the significant challenge of extending control over eastern parts of the country and bringing them stability. Ethnic violence persisted, causing thousands of deaths and displacements and putting millions of civilians at risk. Sexual violence against women, used as a weapon of war by most of the belligerents, was still rampant, while all parties to the conflict used huge numbers of child soldiers of both sexes. Meanwhile, Zimbabwe's desperate situation worsened by the day, with the arrests of peaceful demonstrators and the closure of the sole independent daily newspaper. Government disregard for the rule of law and human rights was a direct attack on the population and had led to gross mismanagement of that once-dynamic economy.

42. The United States had long championed religious freedom, in its conviction that governmental or societal non-interference with religious beliefs would not only promote stability for the cultivation of democracy and sustainable development but also encourage nations to adhere to the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights. Continued harassment of religious minorities by the Government of the Islamic Republic of Iran undermined efforts at inter-community trust and set a bad example for reconstruction and reconciliation in Iraq. He hoped that the Iranian people's call for democracy and the rule of law would be heard and transform the country into a force for regional stability.

43. While the civil war in the Sudan and Government practices had long crippled development of its human and material resources, the north and south were not only poised to make peace, but stood at a window of opportunity to embrace democracy, human rights and religious freedom. The leaders must have the courage to embrace those principles while the international community ensured that the new Sudan was founded on human dignity. His delegation called on all Governments to make the advancement of political and economic freedoms a top priority. The freedom prized by Americans was the right of all humankind.

44. **Mr. Chidumo** (Mozambique) said that commitment to human rights was not only a constitutional matter but a political, economic, cultural and social imperative, and a way of respecting human dignity; for that reason, it transcended the individual nation-State to become a worldwide concern. His Government was committed to the promotion and protection of human rights and human dignity, and all basic rights were protected by the Constitution. A mainstay of its foreign policy was that human rights were indivisible and shared with human development the common objective of promoting and securing the people's well-being. Civil and political rights, on the one hand, and economic, social and cultural rights, on the other, were two faces of the same coin; their successful holistic implementation was critical for the future of every nation.

45. With a view to the citizens' enjoyment of all their fundamental rights, the Government was reforming its entire human rights mechanism, as well as the prison system, the police force and the civil service, with training being provided for police and judicial personnel. It also intended to introduce human rights as a subject at all levels of the national education system. The authorities were involved in a constructive partnership with civil society organizations to enable them to participate actively in the human rights protection process, and non-governmental organizations played an important role in human rights education and public awareness and ensured that the actions of Government institutions were consistent with the stated objectives.

46. His Government also worked closely with donor countries and international human rights organizations in reviewing the entire national legislation so as to reconcile it with international human rights treaties and ensure that the latter were respected by all Government institutions. That political will and commitment had been translated into concrete action for human development, as illustrated by the 2000 adoption of the Plan of Action for the Eradication of Absolute Poverty, which was aimed at maintaining 8 per cent annual average growth and reducing poverty to under 50 per cent by the end of the decade. Mozambique was a signatory to all the major international human rights instruments.

47. Despite the aforementioned successes, Mozambique could not as yet boast full enjoyment of human rights and individual freedoms. Hence, his delegation agreed that the rule of law, including access to justice, was essential for peace-building and sustainable development, since the mere existence of laws did not suffice. In the context of law enforcement, the authorities were strengthening their institutions, which would ensure that, when human rights violations occurred, they were investigated and the perpetrators brought to justice. Hence, a major project awaiting implementation was the reform of the judiciary, endowing it with greater legitimacy and ensuring more democratic, independent, effective, uncorrupted justice accessible to all and indicative of the country's social and cultural diversity. The justice system was already being tested in dealing with drug trafficking and other forms of organized crime, which were becoming a growing concern in southern Africa.

48. His country's own experience had taught it that respect for human rights should be accompanied by avoidance of undesirable results suggesting that criminals' rights were put before those of victims. Lack of resources continued to undermine the political will of many developing countries, including his own, to protect and promote human rights. He therefore appealed to the international community to continue to render the support needed for robust human rights defence mechanisms.

49. **Mr. Alaei** (Islamic Republic of Iran) said his country indeed shared the United States' desire for peace in the Middle East. He endorsed the view expressed by the Secretary-General in connection with the Millennium Summit, to the effect that post-war institutions had been built for an international, as opposed to a global, world, and that innovative approaches were now needed for the international human rights protection system encompassed all dimensions of United Nations work. The core concept in that domain was the emergence of global governance in a worldwide system, which, as it grew, made its structures central to shaping the lives of millions of people worldwide and enabling them to exercise unparalleled power to achieve their goals. That unique characteristic of modern international development had transformed the role of States in discharging their responsibilities towards their citizens and reduced their participation in world affairs that directly affected their people's lives.

50. Global structures operated through a complex world system, one key player being the transnational corporations, which were becoming increasingly important for the realization of human rights, as attested to in the report of the Special Rapporteur on the right to food (A/58/330), which strongly emphasized the transnational corporations' obligation to respect the universal human rights of all under international human rights law. In a globalized world, the dynamics of human rights promotion and protection were constantly evolving as a result of the interaction of various players and factors in the wider scope of human development, which had diminished Governments' ability to uphold minimum standards relating to economic, social, civil and political rights.

51. One conclusion had been a belief in international equity, which necessarily began with a commitment to objectivity, and in symmetrical accountability of national Governments and global structures for

improvements and failures in human rights promotion and protection. Human rights, originally developed to circumscribe States' abuses of power, must now circumscribe such abuses by corporations. If the Acting High Commissioner for Human Rights could say how far the United Nations system had moved from its old-fashioned structure to one that was cognizant of the imperatives of the current global system, the international community would gain some insight into its collective endeavours and be in a position to identify human rights gaps in a changing world.

52. **Mr. Haraguchi** (Japan) said his country reaffirmed its belief in the principles set forth in the Vienna Declaration and Programme of Action. It was the primary responsibility of every State to promote and protect human rights and fundamental freedoms. While there had been some favourable developments, the international community must resolutely address cases where no progress had been evident. One example was the abduction of Japanese nationals by agents of the Democratic People's Republic of Korea. The Commission on Human Rights, at its fifty-ninth session, had adopted resolution 2003/10 calling on that country to resolve immediately and transparently all the unresolved questions relating to the abduction of foreigners. He urged its authorities to rectify the inhuman situation in which the five abducted returnees who had returned had been separated from their families for over a year, take immediate, responsible measures to bring their families to Japan and provide concrete answers to the questionnaires that Japan had submitted during the normalization talks in October 2002.

53. He also urged the Democratic People's Republic of Korea to comply with the request in the aforementioned resolution that it cooperate with the Working Group on Enforced or Involuntary Disappearances in the interests of comprehensive dialogue and called upon all States concerned to furnish relevant information and thoroughly investigate those cases where necessary. Although human rights were the legitimate concern of the international community, it was important to take a country's specific characteristics into account. No single across-the-board approach could improve actual human rights situations. What was needed was a three-pronged approach: promotion of mutual understanding through dialogue on each country's specific situation; cooperation for effective enhancement of human rights protection; and strong disapproval of serious human rights violations.

54. On the basis of that three-pronged approach, Japan had conducted dialogues with several countries to promote mutual understanding and seek practical solutions. Instead of deploring how far a country had to go, it would be better to commend the country for how far it had come. In that context, he mentioned the situations in Cambodia, Myanmar and Sudan. His Government was encouraged that a number of positive changes had taken place in Cambodia. The July national elections had gone smoothly and could serve to consolidate democracy. Drafts of the Civil Code, the Code of Civil Procedure and an anti-corruption law had been submitted to the Council of Ministers. With regard to the Khmer Rouge trials, he welcomed the agreement between the Government and the United Nations, and appealed to the National Assembly to ratify it and urged the international community to extend the necessary financial and other support to the Extraordinary Chambers.

55. His Government was seriously concerned at the situation in Myanmar. The freedom to engage in political activity must be restored and steps taken towards national reconciliation and democratization. While acknowledging such recent developments as the political roadmap announced by the Prime Minister of Myanmar, his delegation called on the Government to proceed with genuine efforts towards national reconciliation by ensuring the participation of all relevant parties. In Sudan, the human rights dialogue between the Governments of Sudan and Japan had produced results, for instance, the recent joint symposium against female genital mutilation. His delegation hoped that the comprehensive settlement of the civil war would further enhance the human rights situation. Protecting and promoting human rights required tireless effort on the part of the international community, and he reiterated his Government's firm commitment to continue to work with the United Nations to that end.

56. **Mr. Kuchinsky** (Ukraine) said that the international community must ask itself how it could promote the most fundamental and inalienable of human rights, the right to life. It must respond to new threats like terrorism not only with legislation and security measures, but with the weapon of common values, standards and commitments to universal rights. A comprehensive strategy for global security must be

based on respect for human rights through the rule of law, social justice and democracy.

57. The right to know the truth about past events was essential in order to avoid a recurrence of violations. Guided by that principle, he drew attention to a joint statement by his delegation and a number of others on one of the most tragic events in the history of Ukraine, the Great Famine of 1932-1933, known as *Holodomor*, which would be circulated as an official document of the General Assembly. The Great Famine, engineered by the totalitarian Soviet regime, claimed 7 to 10 million lives. The Famine, a result of Stalin's policy of forced collectivization, had been accompanied by devastating purges of Ukrainian intelligentsia, religious leaders and politicians. Unfortunately, in 1933, the world had not responded to the plight of the Ukrainian people. In commemorating the seventieth anniversary of *Holodomor*, Ukraine did not wish to settle past scores, but simply wanted as many people as possible to know about the tragedy in order to help the world avoid similar catastrophes in the future.

58. **Mr. Paolillo** (Uruguay), speaking on behalf of the members of MERCOSUR and the associated countries Bolivia and Chile, said that those countries condemned all violations of human rights and terrorism in all its manifestations. They were convinced, however, that it was possible to combat terrorism without undermining the rule of law and human rights. Upholding democratic institutions was the best way to address social, political and economic issues, and in fact, democratic principles were at the very foundation of MERCOSUR. The Protocol of Ushuaia stipulated that democratic institutions were essential to the further integration of member countries, and any breakdown in democratic institutions in a State party would trigger a consultation process, along with possible suspension of its membership.

59. In order to ensure compliance with international human rights obligations, States must foster close cooperation. To that end, MERCOSUR, Bolivia and Chile had been working within the framework of an ad hoc working group on human rights, an effective mechanism for the exchange of information and experience. Topics that it had considered recently included forced disappearances, economic, social and cultural rights, racial discrimination and affirmative action policies, and the relationship between protectionist agricultural policies and the realization of economic, social and cultural rights. MERCOSUR, Bolivia and Chile reaffirmed the importance of reinforcing national and regional efforts through cooperation with the Office of the High Commissioner for Human Rights.

60. **Mr. Shobokshi** (Saudi Arabia) said that human rights were as ancient as mankind, and since those rights were granted by Allah, they were not subject to change. Saudi Arabia was honoured to be the home of the most holy sites of Islam, and its leaders had the privilege of being the guardians of the Islamic holy sites. Saudi Arabia was founded on Islam and its teachings of justice, equity, freedom, dignity, stability and security. Human rights were intended to safeguard the dignity of humanity and ensure its happiness, not to satisfy its base instincts and desires. Saudi Arabia had ratified four of the six international human rights instruments, and was considering the ratification of other conventions in that area. It had provided financial assistance to United Nations voluntary funds in the area of human rights, and had included human rights education at all levels of schooling.

61. The world was facing great challenges in the area of human rights because of the political motivations that had begun to distort the concept. Double standards were also being applied, and a case in point was the representation in the media of Islam and Muslims as sources of terrorism and violence. The theory of the inevitable clash of civilizations and confrontation between religions was another example. Globalization had led some States to believe they could interfere in the domestic affairs of other States using the protection of human rights as a pretext. Influential powers raged against human rights violations in some countries, but closed their eyes to other, similar, violations. Israel was the blatant example of repeated attacks on the human rights of Palestinians in the occupied territories. Israel's actions were viewed as self-defence, while the same actions committed by Palestinians were seen as terrorism. Human rights were inherent in all human cultures; no culture held a monopoly. It was useless to impose values on a society or an individual that were alien to its beliefs, and no culture should proclaim itself the arbiter for all. The global nature of human rights derived its legitimacy and continuity from cultural diversity, moral principles and religious values.

62. **Ms. Espindola** (Ecuador) said that in the past decade, parallel to globalization, migratory movements had intensified and had become a global phenomenon.

Many countries of the developing world, as a result of the economic crisis, had become producers of migrants. When developing countries found themselves unable to use comparative advantage because of protectionism and unfair competition from industrialized countries, emigration became the only alternative for millions of people. International migration had economic and social effects both on countries of origin and receiving countries. Migration was a positive factor in the creation of wealth, but it had serious social effects in countries of origin because it separated parents from their children. Moreover, migrants were often subjected to exploitation and abuse in receiving countries.

63. Mechanisms for dialogue and coordination must be strengthened at all levels, from the local to the global, in order to address international migration, through explicit recognition of shared responsibility and participation of all actors. Governments and civil society in receiving countries must increase their efforts to protect the rights of that vulnerable social group, by emphasizing the positive aspects of migration.

64. Policies in Ecuador favoured family reunification, special attention to children whose parents had emigrated, elimination of obstacles to rapid and secure transfer of income and remittances from abroad, training for officials at border crossings, and prosecution of anyone violating the labour laws covering migrants, particularly regarding health and safety conditions. The transnational character of the problem of migration required active cooperation between countries of origin and receiving countries, as well as international organizations. Ecuador called on all Governments and civil society, particularly in the developed countries, to protect the rights of migrants, and urged the international community to sign the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

65. **Mr. Laurin** (Canada) said that the achievements of Ms. Shirin Ebadi, winner of the 2003 Nobel Peace Prize, and other human rights defenders, served as a reminder to States of their responsibility to protect the human rights and fundamental freedoms of their people. Many States had not carried out that responsibility, however. In the Islamic Republic of Iran, little progress had been made in terms of freedom of expression, arbitrary detention and torture, and the recommendations contained in the report of the Working Group on Arbitrary Detention must be implemented. Canada urged that country to cooperate with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression during his visit, and to invite the Special Rapporteur on torture as well.

66. With regard to Myanmar, Canada called for the immediate and unconditional release of Aung San Suu Kyi from house arrest, the full restoration of her freedom of movement and the release of all political prisoners. The regime must engage in substantive dialogue on national reconciliation with democratic leaders as a first step to moving out of the current crisis. Canada remained deeply concerned about the human rights situation in the Democratic People's Republic of Korea. Despite recent moves to open up to the international community, the country remained closed to independent research on human rights issues.

67. In recent months, there had been a sharp deterioration in the situation in the Middle East. Canada was profoundly disturbed by the continuing terrorist campaign against Israeli civilians, but also by the worsening of the already difficult humanitarian situation in several Palestinian cities. The disproportionate and discriminatory restrictions imposed on Palestinians were seriously affecting their human rights. He urged all parties to live up to their human rights obligations and to refrain from any actions which could further inflame the situation.

68. Since the attempted assassination of the President in November 2002, the human rights situation in Turkmenistan had deteriorated. Canada was concerned by credible reports of political repression, arbitrary arrests and detention, torture, censorship and oppression of minority religious groups. In Haiti, the human rights situation had further deteriorated, and he called on the Government to fight impunity, take steps to improve security, enable the judicial system to function independently and allow the press and opposition to operate without intimidation.

69. Canada welcomed the signing of the peace accord in Liberia and the handover of power to the Transitional Government as positive steps to end the conflict, but remained extremely concerned by human rights abuses. Liberia must bring to justice those responsible for violations of international humanitarian law. The Government of Zimbabwe had demonstrated a serious lack of commitment to human rights, democracy and the rule of law. Canada was deeply

disturbed by the treatment of opposition party members and supporters as well as the media, by the chaotic implementation of land reform, and the politicization of food distribution.

70. The recent agreement between the Government of the Sudan and the Sudan People's Liberation Army on security measures was welcome, as was the opening of alternative routes for humanitarian assistance to the conflict zone. However, Canada called on the parties to the conflict, the Chair of the Intergovernmental Authority on Development (IGAD) peace process and international observers to ensure that adequate mechanisms for the protection of human rights were integral to the peace settlement. In the Democratic Republic of the Congo, the establishment of a Transitional Government of National Union and the commitment to hold elections were encouraging. However, the humanitarian crisis and the human rights situation continued to be major areas of concern, and his delegation urged the new Government to continue its efforts to improve the situation in the eastern part of the country.

71. The efforts of the Afghan Transitional Authority (ATA) to extend good governance and the rule of law throughout the country and to ensure the success of the Bonn peace process were encouraging. The Afghan Independent Human Rights Commission had a critical role to play in monitoring human rights abuses and ensuring that violators were brought to justice. Iraq was coming out of a dark era in human rights performance. His Government was prepared to assist the Iraqi people in rehabilitating governance structures to ensure that they were democratic and respectful of human rights. Meanwhile the occupying Powers must fulfil their obligations to safeguard human rights.

72. The visits to Saudi Arabia by Human Rights Watch, the International Labour Organization (ILO) and the Special Rapporteur on the independence of judges and lawyers suggested incremental engagement on human rights issues. However, Canada was concerned by the high incidence of executions and corporal punishment and disturbing reports of torture and forced confessions. Only steps such as the establishment of an independent human rights body with a mandate to investigate complaints freely and openly could provide evidence of a real commitment to the protection of human rights. Canada remained deeply disturbed by the Cuban Government's harsh sentencing of 75 political dissidents and called for their immediate release. Given the peaceful nature of their activities, it remained unconvinced that the severe restrictions on freedom of speech and liberty could be justified on the grounds of national interests or security. Canada also encouraged the Government to permit evaluation of prison conditions by an international human rights monitor.

73. With regard to the right to physical integrity, disturbing allegations of physical abuse and torture had been received concerning the Syrian Arab Republic and Eritrea. The rule of law and due process were key to the protection of fundamental rights and freedoms. In China, Canada was concerned about the inappropriate use of judicial procedures to restrict labour unions, freedom of expression and association, and about the widespread use of the death penalty, particularly following closed trials. The results of the ad hoc Human Rights Tribunal for East Timor were disappointing, and his delegation hoped that, once established, the Extraordinary Chambers in Cambodia would respect basic standards of justice and independence. To show their commitment to the protection of human rights, States must prosecute violators. In Pakistan, Canada remained concerned at the ongoing human rights violations in the country, particularly as they affected religious minorities and women, and by the culture of impunity surrounding "honour killings".

74. In conclusion, Canada was not beyond accountability for its own human rights record. As the recent visit of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had shown, progress could be made in addressing the reality of racism in Canada. Member States had a responsibility to remain committed to the promotion and protection of human rights at home and internationally, and therefore he invited them to extend a standing invitation to the special rapporteurs of the Commission on Human Rights.

The meeting rose at 1.10 p.m.